

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00067

COUNSEL: [REDACTED]

FEB 25 1998

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

His release from active duty, with the Special Separation Bonus (SSB), be changed to a medical retirement.

APPLICANT CONTENDS THAT:

The reasons applicant believes he has been the victim of an error and/or an injustice are contained in his complete submission, which is at Exhibit A.

STATEMENT OF FACTS:

Applicant applied for separation under the SSB program on 8 April 1992 with an effective date of 31 December 1992. His request was approved on 13 April 1992 and he was honorably released from active duty on 31 December 1992. His DD Form 214 reflects his primary specialty as "Service Operations Officer." His performance reports also indicate he had additional duties as Assistant Mortuary Officer or the shift commander for mortuary operations in earlier assignments and, in later assignments, he assisted the Chief of Services in managing mortuary affairs.

The remaining relevant facts pertaining to this application, extracted from the applicant's military records, are contained in the letter prepared by the appropriate office of the Air Force. Accordingly, there is no need to recite these facts in this Record of Proceedings.

AIR FORCE EVALUATION:

The AFBCMR Medical Consultant reviewed this appeal and states that evidence of record and medical examinations prior to separation indicate applicant was fit and medically qualified for continued military service or appropriate separation and did not have any physical or mental condition which would have warranted

consideration under the provisions of AFR 35-4. While it can certainly be disconcerting to deal with [several civilian and military deaths as assistant mortuary affairs officer], there is no record that it adversely affected his duty performance or psychological well-being during his service years. His other medical problems were minor in nature and not of such severity to trigger a physical disability evaluation. He was involved in at least four motor vehicle accidents (MVAs) in a 13 month period between September 1987 and October 1988, events which were later considered by the Department of Veterans Affairs (DVA) in awarding service-connected disabilities for traumatic arthritis symptoms. The Consultant also explains the differences between the Air Force and the DVA disability systems. He recommends the case be denied.

A copy of the complete evaluation is at Exhibit C.

The Chief, USAF Physical Disability Division, HQ AFPC/DPPD, also evaluated the case and verifies that the applicant was never referred to or considered by the Air Force Disability Evaluation System. The Chief explains the "presumption of fitness" requirement and contends the applicant has not submitted any material or documentation to show that he was unfit due to a physical disability under the provisions of Title 10, USC, at the time of his voluntary discharge from active duty. The Chief recommends the applicant's request be denied.

A copy of the complete evaluation is at Exhibit D.

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

Applicant reviewed the evaluations and provides supporting statements which he believes demonstrate that, because of the hated Mortuary Affairs work he did, he suffered from Post Traumatic Stress Disorder (PTSD) while on active duty. He provides his "Stressor Letter," upon which the DVA rated him for PTSD. He asserts he will always need treatment for PTSD.

A copy of applicant's complete response is at Exhibit F.

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was not timely filed; however, it is in the interest of justice to excuse the failure to timely file.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After a thorough review of the evidence of record and applicant's

submission, we are not persuaded that his release from active duty under the SSB program be changed to a medical retirement. His contentions are duly noted; however, we do not find these uncorroborated assertions, in and by themselves, sufficiently persuasive to override the rationale provided by the Air Force. We acknowledge the distressing nature of mortuary duties. However, at the time of his discharge, the applicant was fit and medically qualified for continued military service or appropriate separation. He has not provided persuasive evidence showing he overcame the presumption of fitness and was unfit due to a disability under the provisions of Title 10, USC, at the time of his voluntary discharge. We therefore agree with the recommendations of the Air Force and adopt the rationale expressed as the basis for our decision that the applicant has failed to sustain his burden that he has suffered either an error or an injustice. In view of the above and absent persuasive evidence to the contrary, we find no compelling basis to recommend granting the relief sought.

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate, the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered this application in Executive Session on 21 January 1999 under the provisions of AFI 36-2603:

Mr. Michael P. Higgins, Panel Chair
Dr. Gerald B. Kauvar, Member
Ms. Dorothy P. Loeb, Member

The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 17 Nov 97, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFBCMR Medical Consultant, dated 4 Mar 98.
- Exhibit D. Letter, HQ AFPC/DPPD, dated 30 Apr 98.
- Exhibit E. Letter, AFBCMR, dated 11 May 98.
- Exhibit F. Letter, Applicant, dated 10 Jul 98, w/atchs.


MICHAEL P. HIGGINS
Panel Chair